



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/807,143	04/06/2001	Kenichi Mitsui	33483	3204

116 7590 02/02/2004

PEARNE & GORDON LLP
1801 EAST 9TH STREET
SUITE 1200
CLEVELAND, OH 44114-3108

EXAMINER

ENG, GEORGE

ART UNIT	PAPER NUMBER
----------	--------------

2643

13

DATE MAILED: 02/02/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/807,143

Applicant(s)

MITSUI ET AL.

Examiner

George Eng

Art Unit

2643

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 29 December 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-13 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-13 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. §§ 119 and 120

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 13) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.
- a) ☐ The translation of the foreign language provisional application has been received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other:

DETAILED ACTION

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 12/29/2003 (paper no. 11) has been entered.

Response to Amendment

2. This Office action is response to the amendment filed 12/29/2003 (paper no. 12).

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

Art Unit: 2643

5. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

6. Claims 1-5 and 12-13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Irube et al. (US PAT. 6,377,818 hereinafter Irube) in view of Charlier (US PAT. 6,334,063 hereinafter Charlier).

Regarding claim 1, Irube discloses a video telephone apparatus as shown in figure 1 comprising image pick-up means (4) for picking up an image of an object and generating a transmit picture signal according to the image of the object (col. 5 line 64 through col. 6 line 6), communication means (17) for transmitting and receiving the transmit picture signal and a receive picture signal (col. 4 lines 33-51), display means (14) for displaying video information based on the receive picture signal received from the communication means (col. 4 lines 16-25). Irube differs from the claimed invention in not specifically teaching detecting means for detecting an orientation of the video telephone apparatus and rotating means for rotating the orientation of the image of the transmit picture signal and the receive picture signal based on the detected orientation of the video telephone apparatus and independent of the orientation of a distant party video telephone apparatus. However, Charlier teaches an electronic device, i.e., a

Art Unit: 2643

telephone apparatus, having a virtual image display, and a gravity switch (610, figure 6), read as detector means, for detecting the orientation of the electronic device (col. 3 lines 63-65) and a microprocessor (620, figure 6), read as rotating means, for rotating the orientation of an image based on the detected orientation of the electronic device, which is independent of the orientation of a distant party video telephone apparatus (col. 3 line 65 through col. 4 line 27 and col. 5 lines 45-59), in order to provide an auto-positioning virtual image display in which the image controls operate in relation to the changing orientation of the image. Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify Irube in having detecting means for detecting the orientation of the video telephone apparatus and rotating means for rotating the orientation of the image of the transmit picture signal and the receive picture signal based on the detected orientation of the video telephone apparatus and independent of the orientation of a distant party video telephone apparatus, as per teaching of Charlier, in order to provide an auto-positioning virtual image display in which the image controls operate in relation to the changing orientation of the image, thereby makes user friendly.

Regarding claims 2-3, Irube discloses the detector means for detecting the orientation of the portable communication terminal apparatus having image pick-up direction detector means and display direction detector means for detecting the vertical direction of the display means (col. 22 lines 4-26).

Regarding claims 4-5, Irube teaches to perform rotation processing on the transmit picture signal, as well as the receiving picture, based on the orientation of the portable communication terminal apparatus (figures 24-25 and col. 22 line 43 through col.23 line 65).

Art Unit: 2643

Regarding claim 12, the limitations of the claim are rejected as the same reasons set forth in claim 1.

Regarding claim 13, Charlier teaches to generate an image for displaying by rotating the orientation of an image (col. 5 lines 54-57).

7. Claims 6-11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Irube et al. (US PAT. 6,377,818 hereinafter Irube) in view of Charlier (US PAT. 6,334,063 hereinafter Charlier) as applied in claim 1 above, and further in view of Lands et al. (US PAT. 6,411,828 hereinafter Lands).

Regarding claim 6, the combination of Irube and Charlier differs from the claimed invention in not specifically teaching the portable communication terminal apparatus comprising a first receiver means for regenerating a receive audio signal received from the communication means, a second receiver means for regenerating the receive audio signal received from the communication means to a signal different from that of the first receiver means and a receiver selector means for switching between the first receiver means and the second receiver means based on the orientation of the portable communication terminal apparatus. However, Lands teaches a wireless terminal reproducing audio signals received from a caller in handset mode or speaker phone mode based on an indication of the orientation of the wireless terminal in order to improve quality of sounds (col. 4 line 17 through col. 5 line 29), so that it recognizes Lands in having a first receiver for regenerating received audio signals in the handset mode, a second receiver for regenerating received audio signals in the speaker phone mode, which is different from the handset mode, and means for switching between the first receiver and the second

Art Unit: 2643

receiver based on the orientation of the wireless terminal. Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify the combination of Irube and Charlier in having the first receiver means for regenerating a receive audio signal received from the communication means, the second receiver means for regenerating the receive audio signal received from the communication means to the signal different from that of the first receiver means and the receiver selector means for switching between the first receiver means and the second receiver means based on the orientation of the portable communication terminal apparatus, as per teaching of Lands, because it improves quality of sounds.

Regarding claim 7, the combination of Irube and Charlier differs from the claimed invention in not specifically teaching the portable communication terminal apparatus comprising a first transmitter means for converting voice data into an electrical signal to generate a transmit audio signal, a second transmitter means for converting voice data into an electrical signal to generate a transmit audio signal, whose signal level differs from that of the first transmitter means and a transmitter selector means of switching between the first transmitter means and the second transmitter means based on the orientation of the portable communication terminal apparatus. However, Lands teaches a wireless terminal transmitting audio signals to a caller in handset mode or speaker phone mode based on an indication of the orientation of the wireless terminal in order to improve quality of sounds (col. 4 line 17 through col. 5 line 29), so that it recognizes Lands in having a first transmitter means for converting voice data into an electrical signal to generate a transmit audio signal, a second receiver for transmitter means for converting voice data into an electrical signal to generate a transmit audio signal, whose signal level differs

Art Unit: 2643

from that of the first transmitter means and a transmitter selector means of switching between the first transmitter means and the second transmitter means based on the orientation of the portable communication terminal apparatus. Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify the combination of Irube and Charlier in having the first transmitter means for converting voice data into an electrical signal to generate a transmit audio signal, the second transmitter means for converting voice data into an electrical signal to generate a transmit audio signal, whose signal level differs from that of the first transmitter means and a transmitter selector means of switching between the first transmitter means and the second transmitter means based on the orientation of the portable communication terminal apparatus, as per teaching of Lands, because it improves quality of sounds.

Regarding claims 8-9, Irube discloses picked-up image receiver means for switching between different states based on the vertical direction of image pick-up means detected by image pick-up means detector means and a display receiver selector means for switching between different states based on the vertical direction or horizontal direction of the display means detected by display means detector means (col. 22 line 44 through col. 23 line 65).

Regarding claims 10-11, the limitations of the claims are rejected as the same reasons set forth in claims 8-9.

Response to Arguments

8. Applicant's arguments with respect to claims 1-12 have been considered but are moot in view of the new ground(s) of rejection.

Art Unit: 2643

Conclusion

9. Any response to this action should be mailed to:

Commissioner of Patents and Trademarks

Washington D.C. 20231

Or faxed to:

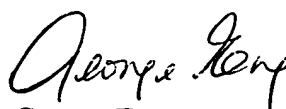
(703) 872-9314 (for Technology Center 2600 only)

Hand delivered responses should be brought to Crystal Park II, 2121 Crystal Drive,
Arlington, V.A., Sixth Floor (Receptionist).

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to George Eng whose telephone number is 703-308-9555. The examiner can normally be reached on Tuesday to Friday from 7:30 AM to 6:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Curtis A. Kuntz, can be reached on (703) 305-4870. The fax phone number for the organization where this application or proceeding is assigned is 703-308-6306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 306-0377.



George Eng
Primary Examiner
Art Unit 2643